

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

One South Station
Boston, MA 02110



Request for Response (RFR)

**Document Title: Consultant to support MA Rail Transit Safety Analysis and
Assessment of MBTA Fatigue Management Practices
Agency Document Number: 24DPUFAPM2**

September 15, 2023

Please Note: This is a single document associated with a complete Bid (also referred to as Solicitation) that can be found on www.COMMBUYS.com. All Bidders are responsible for reviewing and adhering to all information, forms and requirements for the entire Bid, which are all incorporated into the Bid. Bidders may also contact the COMMBUYS Helpdesk at COMMBUYS@state.ma.us or the COMMBUYS Helpline at 1-888-MA-STATE. The Helpline is staffed from 8:00 AM to 5:00 PM Monday through Friday Eastern Standard or Daylight time, as applicable, except on federal, state and Suffolk county holidays.

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1 RFR INTRODUCTION AND GENERAL DESCRIPTION

The Commonwealth of Massachusetts Department of Public Utilities (DPU) located in Boston, Massachusetts, is the designated State Safety Oversight Agency (SSOA) for the Massachusetts Bay Transportation Authority (MBTA) and is soliciting Bidders (or “CONSULTANT”), or qualified consulting engineering firms, for the acquisition of an analysis and assessment of the (MBTA) fatigue management practices, human performance and associated data analysis.

This bid does not commit the Commonwealth of Massachusetts (Commonwealth) or the DPU to approve or pay any costs incurred in the preparation of a Bidder’s response to this bid, or to procure or contract for products or services. DPU reserves the right to accept or reject all proposals received as a result of this bid and to contract for some, all or none of the products and services as a result of this bid. DPU further reserves the right to negotiate with any or all qualified Bidders and to cancel in part or in its entirety this bid if it is in the best interest of DPU or the Commonwealth of Massachusetts to do so.

DPU reserves the right to amend this bid at any time prior to the date the responses are due.

1.1 Procurement Scope and Description

This RFR for consultant will work with the SSOA program at the Massachusetts Department of Public Utilities to assist the rail transit safety team with fatigue management review at the MBTA. Specifically, this consultant will assist with developing, implementing, and maintaining an industry-leading Fatigue Risk Management Monitoring Program (FRMMP). This includes assisting with establishing the FRMMP industry standard policy instruction, which guides implementing of the program elements. This role will also offer ergonomics and human factors expertise to improve MA DPU’s safety programs, culture and oversight of the MBTA.

- Act as MA DPU representative, subject matter expert (SME), and key liaison for employee Fatigue Risk Management (FRM) within oversight of the MBTA and transit industry, FTA, FRA.
- Help to build a strategy to establishing regulatory compliance and to develop innovative methods to pro-actively imbed fatigue risk science into safety risk management activities, policies, procedures, including affected labor agreements.
- Assist with development of state safety oversight programs and policies based on results from the bio-mathematical scientific fatigue models.
- Develop a review of transit standards including fatigue safety guidelines for all safety-sensitive positions.
- Provide recommendations for an improved incident investigation protocol to identify fatigue-related factors.
- Works directly with DPU’s Principal Safety and Risk Management Analyst for injury/incident trending and analysis that effectively identifies employee fatigue and its root causes/contributing factors for 49 CRF 674 safety risk management (SRM) activities and DPU Leadership awareness displayed in an FRMMP Dashboard.
- Assist in developing new fatigue risk management KPIs and metrics to proactively identify hazards and operational risks related to employee fatigue risk.
- Assists in the development of mitigation strategies for areas to be determined of unacceptable risk and/or negative trending.
- Assigned special projects, as necessary, to address departmental needs, priorities, and goals

1.2 Background Information

In June 2022 FTA released a research summary and report number 0223.

In accident investigations performed by the National Transportation Safety Board (NTSB), fatigue, medical fitness for duty, and other related factors have been indicated as causal or contributing to fatal transportation events and are the source for recommendations to U.S. Department of Transportation Modal Administrations dating back to 1989. NTSB's 2019–2020 Most Wanted List of Transportation Safety Improvements included these fatigue and medical fitness for duty-related topics.

Objectives of their research were to conduct background research and analysis on needs and gaps for new standards, recommended practices, guidance documents, or procedural considerations in the areas of medical fitness for duty and fatigue risk management and present findings to FTA related to the development or issuance of voluntary standards, protocols, guidelines, or recommended practices related to medical fitness for duty and fatigue risk management.

Factors related to medical fitness for duty and fatigue risk management that should be addressed include increased employee safety reporting programs, pre-employment and return-to-duty medical exam certification, development of non-punitive attendance policies and procedures, and improved Hours of Service policies and worker scheduling, among others.

Research related to medical fitness for duty included an examination of medical examination certification/certificate regulations issued by USDOT modal administrations and regulations, laws, or directives prescribed by state DOTs, State Safety Oversight Agencies (SSOAs), or other state or regional authorities or those required locally. CUTR examined fatigue risk management including recognition and reporting of and testing for sleep disorders, training programs that address these issues, and cognitive overload human factors. Among the research findings are the following:

- The limited availability of national transit safety causal and contributing factors related National Transit Database (NTD) data restricts the ability to understand the full impact of fatigue and medical fitness for duty risk factors in the industry.
- Robust and mature employee safety reporting programs encourage employees to report fatigue and fitness for duty concerns and are essential for safe transit operations.
- Requiring pre-employment and return-to-duty medical examination certification for all safety-sensitive employees may reduce reportable incidents.
- Verification of explicitly defined minimum medical fitness for duty qualification criteria for employment, through medical examination performed by a certified medical examiner, may reduce incidents and improve overall system safety.
- Testing for sleep disorders and associated practices may reduce the potential risk factors associated with driving while fatigued.
- Development of non-punitive attendance policies and procedures that encourage self-reported fatigue may reduce the number of fatigue-related incidents or close calls.
- Hours of Service policies that define the limits for driving time, time on duty, time off duty between shifts, maximum work week hours, maximum number of consecutive workdays, and emergency service provisions to reduce or mitigate fatigue risk may reduce the number of transit safety events.
- Consideration and mitigation of impacting factors of fatigue in the design of transit worker scheduling and transit route scheduling may reduce the potential for fatigue-related safety events and improve operator ability to perform their duties as assigned.
- Development of a formal work schedule manager certification program to ensure that all managers have the required expertise to properly create schedules taking employee health, safety, and performance into account may improve the safety of the industry through a reduction in fatigue-related safety events.

1.3 Number of Awards

The target maximum number of Contractors: Single. The DPU may award more or fewer Contracts if it is in the best interests of the Commonwealth to do so.

1.4 Adding Contractors after Initial Contract Award - Calendar Rule Type - Open Procurement

If, over the life of the Contract, the DPU determines that additional Contractors should be added, these may first be drawn from qualified businesses which responded to this Solicitation but were not awarded contracts. If necessary to meet the requirements of the Commonwealth, the Solicitation may be reopened to obtain additional bids.

1.5 Acquisition Method(s)

The acquisition method(s) to acquire goods and/or services from this Solicitation: Fee for Service.

1.6 Contract Duration

The duration of this Contract is 6 months from the date of award. It is possible that additional continued services may be required.

1.7 General Procurement Requirements

This RFR is being issued in accordance with 801 CMR 21.00, which concerns the procurement of services by state agencies. The DPU reserves the right to alter the procurement process at any time and without notice.

801 CMR 21.00 requires a competitive procurement process, including the issuance of a RFR, for acquisitions of all commodities and services. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

The DPU makes no guarantee that a contract, or any obligation to purchase any commodities or services, will result from this RFR.

The DPU reserves the right to amend this RFR at any time prior to the date the responses are due. Any such amendment will be posted to the Commonwealth's procurement website, CommBuys. Bidders are cautioned to check this site regularly, as this will be the sole method used for notification of changes.

1.8 COMMBUYS

CommBuys is the official system of record for all procurement information which is publicly accessible at no charge at www.CommBuys.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in any related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via CommBuys, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar. All records on CommBuys are comprised of multiple tabs, or pages. Each tab contains data and/or file attachments provided by the Procurement Management Team. All such data and/or file attachments are incorporated into the Solicitation.

It is each bidder's responsibility to check CommBuys for any addenda or modifications to this Solicitation, by monitoring the "Amendments" field on the Solicitation's Summary tab.

The Commonwealth accepts no responsibility and will provide no accommodation to bidders who submit a response based on an out-of-date Solicitation or on information received from a source other than CommBuys.

1.9 Bidder Communications

Bidders are prohibited from communicating directly with any employee of the DPU regarding this RFR, except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through CommBuys.

2 ESTIMATED PROCUREMENT CALENDAR

EVENT	DATE
Solicitation: Release Date	September 15, 2023
Bid amendment deadline / online Quote submission begins. The DPU reserves the right to amend this RFR at any time prior to the date the responses are due. Any such amendment will be posted to the Commonwealth's procurement website, CommBuys (www.commbuys.com). Bidders are advised to check this site regularly, as this will be the sole method used for notification of changes.	September 29, 2023
Deadline for Submission of Questions	September 29, 2023
Deadline for Quotes/Responses (Bid Opening Date/Time) in COMMBUYS	October 27, 2023
Contract: Estimated Contract Start Date	Upon execution of contract award

2.1 Written questions via the Bid Q&A on COMMBUYS

The Bid Q&A provides the opportunity for bidders to ask written questions and receive written answers from the DPU regarding this Bid. All bidders' questions must be submitted through the Bid Q&A found on COMMBUYS (see below for instructions). Questions may be asked only prior to the deadline for submission of

questions stated in the estimated procurement calendar. The DPU reserves the right not to respond to questions submitted after this date. It is the bidder's responsibility to verify receipt of questions.

Please note that any questions submitted to the DPU using any other medium (including those that are sent by mail, fax, email or voicemail, etc.) will not be answered. To reduce the number of redundant or duplicate questions, bidders are asked to review all questions previously submitted to determine whether the bidder's question has already been posted.

Bidders are responsible for entering content suitable for public viewing, since all of the questions are accessible to the public. Bidders must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusive, or otherwise objectionable, including information about the bidder's company or other companies. The DPU reserves the right to edit or delete any questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Bid.

All answers are final when posted. Any subsequent revisions to previously provided answers will be dated.

It is the responsibility of the prospective Contractors and awarded Contractor to maintain an active registration in COMMBUYS and to keep current the email address of the Contractor's contact person and prospective Contract Manager, if awarded a Contract, and to monitor that email inbox for communications from DPU, including requests for clarification. DPU, EEA and the Commonwealth assume no responsibility if a prospective Contractor's/ awarded Contractor's designated email address is not current, or if technical problems, including those with the prospective Contractor's/ awarded Contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective Contractor/ awarded Contractor and DPU to be lost or rejected by any means including email or spam filtering.

2.2 Locating Bid Q&A

Log into COMMBUYS, locate the Bid, acknowledge receipt of the Bid, and scroll down to the bottom of the Bid Header page. The Bid Q&A button allows bidders access to the Bid Q&A page.

3 SPECIFICATIONS

Specific tasks will include:

- Act as MA DPU representative, subject matter expert (SME), and key liaison for employee Fatigue Risk Management (FRM) within oversight of the MBTA and transit industry, FTA, FRA.
- Help to build a strategy to establishing regulatory compliance and to develop innovative methods to pro-actively imbed fatigue risk science into safety risk management activities, policies, procedures, including affected labor agreements.
- Assist with development of state safety oversight programs and policies based on results from the bio-mathematical scientific fatigue models.
- Develop a review of transit standards including fatigue safety guidelines for all safety-sensitive positions.
- Provide recommendations for an improved incident investigation protocol to identify fatigue-related factors.
- Works directly with DPU's Principal Safety and Risk Management Analyst for injury/incident trending and analysis that effectively identifies employee fatigue and its root causes/contributing factors for 49 CRF 674 safety risk management (SRM) activities and DPU Leadership awareness displayed in an FRMMP Dashboard.
- Assist in developing new fatigue risk management KPIs and metrics to proactively identify hazards and operational risks related to employee fatigue risk.
- Assists in the development of mitigation strategies for areas to be determined of unacceptable risk and/or negative trending.

- Assigned special projects, as necessary, to address departmental needs, priorities, and goals

3.1 Bidder Qualifications

3.1.1 Experience

Bidders should provide resumes and hourly rates for all personnel who would be working with the DPU. The hourly rate should be inclusive.

Any Qualified Contractor selected must not have any conflicts of interest that under applicable ethics laws or rules of professional responsibility would prevent them from working with the DPU.

3.1.2 References and Reference Information and/or Requirements

Bidders are required to complete the Business Reference form with three references.

3.2 Environmental Specifications

3.2.1 Executive Order 515, Establishing an Environmental Purchasing Policy

Products and services purchased by state agencies must be in compliance with Executive Order 515, issued October 27, 2009. Under this Executive Order, Executive Branch agencies, including the DPU, are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and represent best value, consistent with 801 CMR 21.00. In line with this directive, all contracts, whether Departmental or statewide, must comply with the specifications and guidelines established by Operational Services Division (OSD) and the EPP Program. EPPs are considered to be products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Questions concerning the Executive Order may be directed to OSD's EPP Procurement Program, www.mass.gov/epp.

3.3 Compensation Structure/Pricing

All-inclusive hourly rate. Commuting expenses will not be reimbursed.

4 EVALUATION CRITERIA

4.1 Evaluation of Proposals:

The DPU reserves the right to negotiate final prices and performance specifications within the scope of this RFR during the period of the Contract(s).

4.1.1 Initial Selection Process:

Bidder proposals will be evaluated by a team of DPU employees. This team will evaluate every proposal submitted by the deadline date and select a Qualified Contractor based on the thoroughness and completeness of the RFR response; demonstrated knowledge of the subject matter; past performance; professional references; proposed rates; and, at the DPU's discretion, bidder presentations and/or interviews. Geographic location may also be considered.

4.1.2 Selection/Utilization Method:

This RFR does not constitute a guarantee that the DPU will engage any bidder; and there is no guarantee of any expenditures being made to bidder(s). The DPU reserves the right to seek additional information including, but not limited to, further explanation of bidder expertise in the desired area and review of similar recently completed work by the bidder.

4.2 Prompt Payment Discounts (PPD)

All bidders responding to this Solicitation are strongly encouraged to participate in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments. PPD benefits both Contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits, with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because Contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found on the OSD Forms page on Comm-Pass in this Solicitation under the Forms and Terms tab.

4.3 Small Business Purchasing Program

4.3.1 Program Background

The Massachusetts Small Business Purchasing Program (SBPP) was established pursuant to [Executive Order 599](#) to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

4.3.2 SBPP Award Preference

While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria as described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SSST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

4.3.3 SBPP Participation Eligibility

To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP registered business in [COMMBUYS](#):

1. Have its principal place of business in the Commonwealth of Massachusetts;
2. Been in business for at least one year;
3. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and
4. Have gross revenues, as reported on appropriate tax forms, of \$15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

4.3.4 SBPP Compliance Requirements

It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the SBPP webpage, <http://www.mass.gov/sbpp>.

4.3.5 Program Resources and Assistance

Bidders and Contractors seeking assistance regarding SBPP may visit the [SBPP webpage](#) or contact the SBPP Help Desk at sbpp@mass.gov.

4.4 Supplier Diversity Program (SDP) Plan

4.4.1 Eligible SDP Partner Certification Categories

SDP Partners must be business enterprises and/or non-profit organizations certified or recognized by the SDO in one or more of the following certification categories:

- Minority-Owned Business Enterprise (MBE)
- Minority Non-Profit Organization (M/NPO)
- Women-Owned Business Enterprise (WBE)
- Women Non-Profit Organization (W/NPO)
- Veteran-Owned Business Enterprise (VBE)
- Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)
- Disability-Owned Business Enterprise (DOBE)
- Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LBGTBE)

4.4.2 Eligible Types of Business-to-Business Relationships

Bidders and Contractors may engage SDP Partners in the following two ways:

- **Subcontracting**, defined as a partnership in which the SDP partner is involved in the provision of products and/or services to the Commonwealth.
- **Ancillary Products and Services**, defined as a business relationship in which the SDP partner provides products or services that are not directly related to the Contractor's contract with the Commonwealth but may be related to the Contractor's own operational needs.

Other types of business-to-business relationships are not acceptable under this contract. All provisions of this RFR applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors.

4.4.3 Program Flexibility

The SDP encompasses the following provisions to support Bidders in establishing and maintaining sustainable business-to-business relationships meeting their needs:

- SDP Partners are **not** required to be subcontractors.
- SDP Partners are **not** required to be Massachusetts-based businesses.
- SDP Partners **may be changed or added** during the term of the contract provided the Contractor continues to meet its SDP Commitment.

4.4.4 SDP Plan Form Requirements

All Bidders must complete the SDP Plan Form included in this solicitation and attach it to their bid response. In addition to proposing an SDP Commitment, each Bidder must propose one or more SDP Partner(s) to utilize to meet its SDP Commitment. Certified diverse Bidders may not list their own companies, or their subsidiaries or affiliates, as SDP Partners and may not meet their SDP Commitment by spending funds internally or with their own subsidiaries or affiliates.

Bidders may propose SDP Partners that are:

- **Certified or recognized by the SDO:** Such partners appear in the [SDO Directory of Certified Businesses](#) or in the [SBA Veteran Small Business Certification \(VetCert\)](#) directory. After contract award (if any), spending with such partners will contribute to meeting the Contractor's SDP Commitment.
- **Not yet certified or recognized by the SDO:** Such partners must be certified in eligible categories by a third-party certification body, such as another city or state supplier diversity certification office, the [National Minority Supplier Development Council](#), the [Women Business Enterprise National Council](#), [Disability:IN](#), or the [National LGBT Chamber of Commerce \(NGLCC\)](#), but not listed in the above-mentioned directories. Self-certification is not acceptable. While Bidders may list such proposed SDP Partners on their SDP Plans, spending with such partners will **not** contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet their SDP Commitment.

It is the responsibility of the Contractor to ensure that their proposed SDP Partners obtain such certification or recognition by the SDO after contract award (if any). The issuing department and the SDO will not conduct outreach to proposed SDP Partners to ensure their certification. Furthermore, no guarantee may be made that a proposed SDP Partner will be certified, or regarding the time it may take to process a proposed SDP Partner certification. Contractors may direct partners to the SDO's homepage, www.mass.gov/sdo and the [Certification Self-Assessment Tool](#) for guidance on applying for certification.

It is **desirable** for Bidders to provide an SDP Focus Statement that describes the Bidder's overall approach to increasing the participation of diverse businesses in the provision of products and services under this proposal/contract (subcontracting) and in the Bidder's general business operations (ancillary products and services). Such a description may include but not be limited to:

- A clearly stated purpose or goal.
- Specific types of diverse and small businesses targeted.
- Which departments/units within the business are responsible for implementing supplier diversity.
- Types of opportunities for which diverse and small businesses are considered.
- Specific measures/methods of engagement of diverse and small businesses.
- An existing internal supplier diversity policy.
- Public availability of the Bidder's supplier diversity policy.

It also is **desirable** for Bidders to use the SDP Plan Form to describe additional creative initiatives (if any) related to engaging, buying from, and/or collaborating with diverse businesses. Such initiatives may include but not be limited to:

- Serving as a mentor in a mentor-protégé relationship.
- Technical and financial assistance provided to diverse businesses.
- Participation in joint ventures between nondiverse and diverse businesses.
- Voluntary assistance programs by which nondiverse business employees are loaned to diverse businesses or by which diverse business employees are taken into viable business ventures to acquire training and experience in managing business affairs.

4.4.5 Evaluation of SDP Forms

To encourage Bidders to develop substantial supplier diversity initiatives and commitments as measures valuable to the Commonwealth, 10% of the total available evaluation points for this bid solicitation shall be allocated to the evaluation of the SDP Plan submissions. Because the purpose of the SDP is to promote

business-to-business partnerships, the Bidders' workforce diversity initiatives will not be considered in the evaluation.

4.4.6 SDP Spending Reports

After contract award, Contractors must submit reports at least annually to demonstrate compliance with the agreed-upon SDP Commitment. To submit SDP spending reports using the Hub, Contractors must create a profile in the Hub. Contractors must follow report submission instructions from the issuing department and the SDO.

SDP Spending Compliance

Only spending with SDP Partners that appear in the [SDO Directory of Certified Businesses](#) or in the [SBA Veteran Small Business Certification \(VetCert\)](#) directory shall be counted toward a Contractor's compliance with their SDP Commitment. Spending with SDP Partners that do not appear in the directories above shall not be counted toward meeting a Contractor's SDP Commitment.

It is the responsibility of the Contractor to ensure they meet their SDP Commitment. The SDO, and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

4.4.7 SDP Spending Verification

The SDO and the contracting department reserve the right to contact SDP Partners at any time to request that they attest to the amounts reported to have been paid to them by the Contractor.

4.4.8 Program Resources and Assistance

Contractors seeking assistance in the development of their SDP Plans or identification of potential SDP Partners may visit the SDP webpage, www.mass.gov/sdp, or contact the SDP Help Desk at sdp@mass.gov.

5 INSTRUCTIONS FOR SUBMITTING A RESPONSE THROUGH COMMBUYS

COMMBUYS refers to all Solicitations, including but not limited to Requests for Proposals (RFP), Invitations for Bid (IFB), Requests for Response (RFR), Requests for Quote (RFQ), as "Bids." All responses to Bids are referred to as "Quotes."

Steps for Bidders to Submit a Quote

1. Launch the COMMBUYS website by entering the URL (www.COMMBUYS.com) into the browser.
2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS in order to submit a Quote. Each Contractor/Vendor has a COMMBUYS Seller Administrator, who is responsible for maintaining authorized user access to COMMBUYS.
3. Upon successful login, the Vendor home page displays with the Navigation and Header Bar as well as the Control Center. The Control Center is where documents assigned to your role are easily accessed and viewed.
4. Click on the **Bids** tab
5. Clicking on the Bid tab opens four sections:
 - a. Request for Revision
 - b. Bids/Bid Amendments
 - c. Open Bids
 - d. Closed Bids

6. Click on the blue **Open Bid** hyperlinks to open and review an open bid
7. A new page opens with a message requesting you acknowledge receipt of the Bid. Click **Yes** to acknowledge receipt of the Bid. Bidders should acknowledge receipt to receive any amendments/updates concerning this Bid.
8. After acknowledgement, the Bid will open.

The top left half of the page contains the following information:

- a. Purchaser
- b. DPU
- c. Contact for this Bid
- d. Type of purchase
 - i. Open Market
 - ii. Blanket
- e. Pre-Bid conference details (if applicable)
- f. Ship-to and bill-to addresses
- g. Any attachments to the Bid, which may include essential bid terms, response forms, etc.

The top right half of the Bid includes the following information:

- h. Bid date
- i. Required date
- j. Bid opening date – date the Bid closes and no further Quotes will be accepted
- k. Informal Bid flag
- l. Date goods/services are required

9. The lower half of the page provides information about the specific goods/services the Bid is requesting.
10. Click **Create Quote** to begin.
11. The General tab for a new Quote opens. This page is populated with some information from the bid. Fields available to update include:
 - a. Delivery days
 - b. Shipping terms
 - c. Ship via terms
 - d. Is “no” Bid – select if you will not be submitting a Quote for this Bid
 - e. Promised date
 - f. Info contact
 - g. Comments
 - h. Discount percent
 - i. Freight terms
 - j. Payment terms

It is important to note that the Bid documents (RFR and attachments) may specify some or all of these terms and may prohibit you from altering these terms in your Response. Read the Bid documents carefully and fill in only those items that are applicable to the Bid to which you are responding.

Update these fields as applicable to the Bid and click **Save & Continue** to save any changes and create a Quote Number.

12. The page refreshes and messages display. Any message in **Red** is an error and must be resolved before the Quote can be submitted. Any message in **Yellow** is only a warning and will allow processing to continue.
13. Click the **Items** tab. The Items tab displays information about the items requested in the Bid. To view additional details about an item, click the item number (blue hyperlink) to open.
14. The item opens. Input all of your Quote information and click **Save & Exit**.
15. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and Bid Response documents in accordance with the instructions contained in the solicitation or Bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to make sure each required document has been submitted.
16. Click on the **Terms & Conditions** Tab. This tab refers to the terms and conditions that apply to this Bid. The terms and conditions must be accepted before your Quote can be submitted. If your acceptance is subject to any exceptions, those exceptions must be identified here. Exceptions cannot contradict the requirements of the RFR, or required Commonwealth standard forms and attachments for the Bid. For instance, an RFR may specify that exceptions may or will result in disqualification of your Bid.
17. Click the Summary tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.
18. A popup window displays asking for verification that you wish to submit your Quote. Click **OK** to submit the Quote.
19. The Summary tab redisplay with an updated Status for the Quote of **Submitted**.
20. Your Quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a Quote and have not received an email confirmation, please contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us.

If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: (1) for a formal bid, prior to the Bid opening date, or (2) for an informal Bid (which may be viewed upon receipt), prior to the opening of your Quote to DPU or the Bid opening date, whichever is earlier.

Bidders may not submit multiple Quotes in response to a Bid unless the Bid authorizes multiple Quote submissions. If you submit multiple Quotes in response to a Bid that does not allow multiple Quotes, only the latest submission prior to the Bid opening date will be evaluated.

6 ELECTRONIC SIGNATURES

Quotes submitted via COMMBUYS must be signed electronically by the bidder or the bidder's agent by accepting the terms and conditions of the Bid on the "Terms & Conditions" tab of the Bid in COMMBUYS. By selecting "Save &

Continue” on the “Terms and Conditions” tab after accepting the terms and conditions of the bid, the submitter attests that s/he is an agent of the bidder with authority to sign on the bidder’s behalf, and that s/he has read and assented to each document’s terms.

7 APPENDIX A – REQUIRED TERMS FOR ALL RFRS

7.1 General Procurement Information

8.1.1 Access to security-sensitive information

Bidders agree to adhere to this section in the event that an eligible entity provides a Contractor with security-sensitive information which, pursuant to MGL c. 4, § 7, cls. 26(n), is generally exempt from public disclosure under the Commonwealth’s public records laws and must, for public safety purposes, be safeguarded from widespread public disclosure. This security-sensitive information is in the form of blueprints, plans, policies, procedures, schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, and/or any other records relating to the security or safety of persons (pursuant to [MGL c. 66A](#)) or buildings, structures, facilities, utilities, transportation, information technology or other infrastructure located within the Commonwealth. Qualified prospective Bidders that are interested in accessing this information for the purpose of preparing a Quote must, before being allowed to access the information, sign a confidentiality agreement, thereby agreeing to:

- restrict the use of these sensitive records for any other purpose than as authorized and for the purpose of putting together a bid proposal;
- safeguard the information while it is in their possession (consistent with Section 6 of the Commonwealth Terms and Conditions); and
- return such records and materials to the Commonwealth upon completion of the project.

8.1.2 Alterations

Bidders may not alter (manually or electronically) the Bid language or any Bid component files, except as directed in the RFR. Modifications to the body of the Bid, specifications, terms and conditions, or which change the intent of this Bid are prohibited and may disqualify a Quote.

8.1.3 Ownership of Submitted Quotes

The SST shall be under no obligation to return any Quotes or materials submitted by a Bidder in response to this Bid. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder’s Quote, whether or not the Quote is selected for Contract award.

Quotes stored on COMMBUYS in the encrypted lock-box are the file of record. Bidders retain access to a read-only copy of this submission via COMMBUYS, as long as their account is active. Bidders may also retain a traditional paper copy or electronic copy on a separate computer or network drive or separate media, such as CD or DVD, as a backup.

8.1.4 Prohibitions

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person using the contact information provided in the Header Information this Bid in the event that this RFR is incomplete or information is missing. Bidders experiencing technical problems accessing information or attachments stored on COMMBUYS should contact the [COMMBUYS Helpdesk](#) (see the document cover page for contact information).

In addition to the certifications found in the Commonwealth's Standard Contract Form, by submitting a Quote, the Bidder certifies that the Quote has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding or planned common course or action with, any other Bidder of the commodities and/or services described in the RFR.

7.2 Terms and Requirements Pertaining to Awarded Contracts

7.2.1 Commonwealth Tax Exemption

Invoices or invoices submitted to Massachusetts government entities must not include sales tax

7.2.2 Contractor's Contact Information

It is the Contractor's responsibility to keep the Contractor's Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately, using the address located in the Header Information of the Purchase Order or Master Blanket Purchase Order on COMMBUYS.

The Commonwealth assumes no responsibility if a Contractor's designated email address is not current, or if technical problems, including those with the Contractor's computer, network or internet service provider (ISP), cause e-mail communications between the Bidder and the SST to be lost or rejected by any means including email or spam filtering.

7.2.3 Publicity

Any Contractor awarded a contract under this Bid is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Eligible Entities, Commonwealth employee names, telephone numbers or addresses, or any other information except as specifically authorized by the SST.

8 APPENDIX B – RFR –REQUIRED SPECIFICATIONS

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of *801 CMR 21.00: Procurement of Commodities and Services* (and *808 CMR 1.00: Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Other terms not defined elsewhere in this document may be defined in OSD's [Glossary of Terms](#). Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "*☞ Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under *801 CMR 21.00, Procurement of Commodities or Services, Including Human and Social Services* and *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Service*.

COMMBUYS Market Center. COMMBUYS is the official source of information for this Bid and is publicly accessible at no charge at www.commbuys.com. Information contained in this document and in COMMBUYS, including file attachments, and information contained in the related Bid Questions and Answers (Q&A), are all components of the Bid, as referenced in COMMBUYS, and are incorporated into the Bid and any resulting contract.

Bidders are solely responsible for obtaining all information distributed for this Bid via COMMBUYS. Bid Q&A supports Bidder submission of written questions associated with a Bid and publication of official answers.

It is each Bidder's responsibility to check COMMBUYS for:

- Any amendments, addenda or modifications to this Bid, and
- Any Bid Q&A records related to this Bid.

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Quote based on an out-of-date Bid or on information received from a source other than COMMBUYS.

COMMBUYS Registration. Bidders may elect to obtain a free COMMBUYS Seller registration which provides value-added features, including automated email notification associated with postings and modifications to COMMBUYS records. However, in order to respond to a Bid, Bidders must register and maintain an active COMMBUYS Seller account.

All Bidders submitting a Quote (previously referred to as Response) in response to this Bid (previously referred to as Solicitation) agree that, if awarded a contract: (1) they will maintain an active seller account in COMMBUYS; (2) they will, when directed to do so by the procuring entity, activate and maintain a COMMBUYS-enabled catalog using Commonwealth Commodity Codes; (3) they will comply with all requests by the procuring entity to utilize COMMBUYS for the purposes of conducting all aspects of purchasing and invoicing with the Commonwealth, as added functionality for the COMMBUYS system is activated; (4) Bidder understands and acknowledges that all references to the CommPASS website or related requirements throughout this RFR, shall be superseded by comparable requirements pertaining to the COMMBUYS website; and (6) in the event the Commonwealth adopts an alternate market center system, successful Bidders will be required to utilize such system, as directed by the procuring entity. Commonwealth Commodity Codes are based on the United Nations Standard Products and Services Code (UNSPSC).

The COMMBUYS system introduces new terminology, which bidders must be familiar with in order to conduct business with the Commonwealth. To view this terminology and to learn more about the COMMBUYS system, please visit the [COMMBUYS Resource Center](#).

Multiple Quotes. Bidders may not submit Multiple Quotes in response to a Bid unless the RFR authorizes them to do so. If a Bidder submits multiple quotes in response to an RFR that does not authorize multiple responses, only the latest dated quote submitted prior to the bid opening date will be evaluated.

Quote Content. Bid specifications for delivery, shipping, billing and payment will prevail over any proposed Bidder terms entered as part of the Quote, unless otherwise specified in the Bid.

Supplier Diversity Program (SDP). Pursuant to, [Executive Order 599](#) the Commonwealth's [Supplier Diversity Program](#) (SDP) promotes business-to-business relationships between awarded Contractors and diverse businesses and non-profit organizations ("SDP Partners") certified or recognized by the [Supplier Diversity Office \(SDO\)](#). [All Bidders and Contractors are strongly encouraged to create a profile on the SDO's Supplier Diversity Hub to access the Commonwealth's supplier diversity resources and tools.](#)

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Strategic Sourcing Team or SST (formerly referred to as Procurement Management Team or PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The SST and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the SST regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through COMMBUYS.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. ☞ *Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department that issued the RFR. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

- The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
- 2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the Operational Services Division, Legal, Policy and Compliance Office, Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those

submitted without sufficient detail on the basis for the appeal.

The decision of the Operational Services Division shall be rendered, in writing, setting forth the grounds for the decision within sixty (60) calendar days of receipt of the appeal request. Pending appeals to the Operational Services Division shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current on COMMBUYS the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the SST, including requests for clarification. The SST and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the SST to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The SST will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In the event that paper submissions are required and in an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all required paper responses that are submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e., paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.

- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order 509 Guidance](#).

Filing Requirements. ☞ *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Quote (Bid Response) Duration. Bidders Quotes made in response to this Bid must remain in effect for at least 90 days from the date of quote submission.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found as an attachment for this Bid on [COMMBUYS](#).

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the SST. The SST will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the SST on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The SST reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

9 APPENDIX C – INSTRUCTIONS FOR EXECUTION AND SUBMISSION OF COMMONWEALTH STANDARD FORMS

The purpose of this appendix is to provide guidance to Bidders on the Commonwealth Standard forms to be submitted (in addition to the other forms and documents required) and how they must be executed and submitted. Please note that these instructions are meant to supplement the Instructions found on each of these forms. It is advisable to print this document first so that it may be referenced when filling out these forms.

Some of the forms listed below can be electronically signed by the Bidder, see [Electronic Signatures](#). However, online Bidders must, if notified of Contract award, submit the following four (4) forms on paper with original ink signatures unless otherwise specified below, within the timeframe referenced in the RFR section entitled [Ink Signatures](#): the Commonwealth Standard Contract Form, the Commonwealth Terms and Conditions, the Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form) and the Contractor Authorized Signatory Listing.

9.1 Commonwealth Standard Contract Form

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

By executing this document or signing it electronically, the Bidder certifies, under the pains and penalties of perjury, that it has submitted a Response to this RFR that is the Bidder's Offer as evidenced by the execution of its authorized signatory, and that the Bidder's Response may be subject to negotiation by the SST. Also, the terms of the RFR, the Bidder's Response and any negotiated terms shall be deemed accepted by the Operational Services Division and included as part of the Contract upon execution of this document by the State Purchasing Agent or his designee.

If the Bidder does not have a Vendor Code beginning with "VC," or does not know what their Vendor Code is, the Bidder should leave the Vendor Code field blank. The Bidder should NOT enter a Vendor Code assigned prior to May 2004, as new Vendor Codes have been assigned to all companies since that time.

Signature and date MUST be handwritten in ink, and the signature must be that of one of the people authorized to execute contracts on behalf of the Contractor on the Contractor Authorized Signatory Listing (See below).

9.2 Commonwealth Terms and Conditions

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If the Bidder has already executed and filed the Commonwealth Terms and Conditions form pursuant to another RFR or Contract, a copy of this form may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Commonwealth Terms and Conditions form was executed, a new Commonwealth Terms and Conditions form is required. The Commonwealth Terms and Conditions are hereby incorporated into any Contract executed pursuant to this RFR.

This form must be unconditionally signed by one of the authorized signatories (see Contractor Authorized Signatory Listing, below), and submitted without alteration. If the provisions in this document are not accepted in their entirety without modification, the entire Proposal offered in response to this Solicitation may be deemed non-responsive.

The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form).

9.3 Request for Taxpayer Identification Number and Certification (Mass. Substitute W9 Form)

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date, or submit a copy of a previously executed, up-to-date copy of the form as directed below.

If a Bidder has already submitted a Request for Taxpayer Identification and Certification Number (Mass. Substitute W9 Form) and has received a valid Massachusetts Vendor Code, an original W-9 form is not required. A copy of the form as filed may be included in place of an original. If the Bidder's name, address or Tax ID Number have changed since the Mass. Substitute W9 Form was executed, a new Mass. Substitute W9 Form is required. The information on this form will be used to record the Bidder's legal address and where payments under a State Contract will be sent. The company's correct legal name and legal address must appear on this form, and must be identical to the legal name and legal address on the Commonwealth Terms and Conditions. Please do not use the U.S Treasury's version of the W9 Form.

9.4 Contractor Authorized Signatory Listing

Sign electronically as described above; **if notified of Contract award**, complete as directed below and submit on paper with original ink signature and date.

In the table entitled “Authorized Signatory Name” and “Title,” type the names and titles of those individuals authorized to execute contracts and other legally binding documents on behalf of the Bidder. Bidders are advised to keep this list as small as possible, as Contractors will be required to notify the Procurement Manager of any changes. If the person signing in the signature block on the bottom of the first page of this form will also serve as an “Authorized Signatory,” that person’s name must be included in the typed table.

With regard to the next paragraph, which begins “I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor...,” if your organization does not have these titles, cross them out and handwrite the appropriate title above the paragraph.

The signature and date should be handwritten in ink. Title, telephone, fax and eMail should be typed or handwritten legibly.

The second page of the form (entitled “Proof of Authentication of Signature”) states that the page is optional. However, the “optional” aspect of the form is that Commonwealth Departments are not required to use it. In the case of Statewide Contracts, this page is REQUIRED, not optional. The person signing this page must be the same person signing the Standard Contract Form, the Commonwealth Terms and Conditions, and the RFR Checklist.

Please note that in two places where the form says “in the presence of a notary,” this should be interpreted to mean “in the presence of a notary or corporate clerk/secretary.” Either a notary or corporate clerk/secretary can authenticate the form; only one is required.

Organizations whose corporate clerks/secretaries authenticate this form are not required to obtain a Corporate Seal to complete this document.

9.5 Supplier Diversity Program Plan

The specific Supplier Diversity Program (SDP) requirements for this procurement can be found earlier in this document. Bidders are required to state a specific percentage of contract revenues that will represent the SDP commitment for the entire contract period, including any renewals.

9.6 Additional Environmentally Preferable Products / Practices

In line with the Commonwealth’s efforts to promote products and practices which reduce our impact on the environment and human health, Bidders are encouraged to provide information regarding their environmentally preferable/sustainable business practices as they relate to this Contract wherever possible. Bidders must complete this form and submit it with their RFR Response.

9.7 Prompt Payment Discount Form

Download this form and complete as directed below; include with online submission. Ink signature is not required.

Pursuant to the Prompt Payment Discount terms set forth in the RFR Required Specifications for Contracts and on the Prompt Payment Discount Form itself, all Bidders must execute this form. After entering the “Bidder Name” and “Date of Offer for Prompt/Early Payment Discount”, the Bidder must identify the prompt payment discount(s) terms by indicating the “Percentage Discount off of the Proposed Pricing” and the “Turn-around-time for Payments.” In the event of a hardship that prevents the Bidder from offering a prompt payment discount, the Bidder must document this fact and provide supporting information. If awarded a contract, the final negotiated prompt payment discounts should be reflected on the Commonwealth Standard Contract Form.

9.8 Business Reference Form

Bidders must provide all requested information on this form for three (3) business references. In completing this form, note that the “Bidder” is the name of the company submitting a Quote in response to this RFR and the “RFR Name/Title” and the “Agency Document Number” can be found on the cover of the RFR document and in the Short Description field in the Header Information of the Bid record in COMMBUYS. Also, please note that: “Reference Name” is the name of the organization (if not applicable, then name of the individual) that is providing the reference; “Contact” is the name of the individual inside the organization that will provide the reference; and the “Address,” “Phone #” and “Fax/Internet Address” are those of the “Contact” so that the SST may be able to reach them.

10 APPENDIX D – INSTRUCTIONS FOR VENDORS RESPONDING TO BIDS ELECTRONICALLY THROUGH COMMBUYS

10.1.1 Introduction

COMMBUYS refers to all solicitations, including but not limited to Requests for Proposals (RFP), Invitations for Bid (IFB), Requests for Response (RFR), Requests for Quote (RFQ), as “Bids.” All responses to Bids are referred to as “Quotes.”

10.1.2 Steps for Bidders to Submit a Quote

1. Launch the COMMBUYS website by entering the URL (www.COMMBUYS.com) into the browser.
2. Enter Bidder login credentials and click the **Login** button on the COMMBUYS homepage. Bidders must be registered in COMMBUYS in order to submit a Quote. Each Vendor has a COMMBUYS Seller Administrator, who is responsible for maintaining authorized user access to COMMBUYS.
3. Upon successful login, the Vendor home page displays with the Navigation and Header Bar as well as the Control Center. The Control Center is where documents assigned to your role are easily accessed and viewed.
4. Click on the **Bids** tab
5. Clicking on the Bid tab opens four sections:
 - a. Request for Revision
 - b. Bids/Bid Amendments
 - c. Open Bids
 - d. Closed Bids
6. Click on the blue **Open Bid** hyperlinks to open and review an open bid
7. A new page opens with a message requesting you acknowledge receipt of the bid. Click **Yes** to acknowledge receipt of the bid. Bidders should acknowledge receipt to receive any amendments/updates concerning this bid.
8. After acknowledgement, the bid will open.

The top left half of the page contains the following information:

- a. Purchaser
- b. Department
- c. Contact for this bid
- d. Type of purchase
 - i. Open Market
 - ii. Blanket
- e. Pre-Bid Conference details (if applicable)
- f. Ship-to and Bill-to addresses
- g. Any attachments to the bid, which may include essential bid terms, response forms, etc.

The top right half of the bid includes the following information:

- h. Bid Date
 - i. Required Date
 - j. Bid Opening Date – date the bid closes and no further quotes will be accepted
 - k. Informal Bid Flag
 - l. Date goods/services are required
9. The lower half of the page provides information about the specific goods/services the bid is requesting.
10. Click **Create Quote** to begin.
11. The General tab for a new quote opens. This page is populated with some information from the bid. Fields available to update include:
- a. Delivery days
 - b. Shipping terms
 - c. Ship via terms
 - d. Is “no” bid – select if you will not be submitting a quote for this bid
 - e. Promised Date
 - f. Info Contact
 - g. Comments
 - h. Discount Percent
 - i. Freight Terms
 - j. Payment Terms

It is important to note that the bid documents (RFR and attachments) may specify some or all of these terms and may prohibit you from altering these terms in your response. Read the bid documents carefully and fill in only those items that are applicable to the bid to which you are responding.

Update these fields as applicable to the bid and click **Save & Continue** to save any changes and create a Quote Number.

12. The page refreshes and messages display. Any message in **Red** is an error and must be resolved before the quote can be submitted. Any message in **Yellow** is only a warning and will allow processing to continue.
13. Click the **Items** tab. The Items tab displays information about the items requested in the bid. To view additional details about an item, click the item number (blue hyperlink) to open.
14. The item opens. Input all of your quote information and click **Save & Exit**.
15. Click on the **Attachments** Tab. Follow the prompts to upload and name all required attachments and forms and bid response documents in accordance with the instructions contained in the solicitation or bid documents. After uploading each individual file or form, click **Save & Continue**. After you have uploaded all required documents click **Save & Exit**. Be sure to review your attachments to make sure each required document has been submitted.
16. Click on the **Terms & Conditions** Tab. This tab refers to the terms and conditions that apply to this bid. The terms and conditions must be accepted before your quote can be submitted. If your acceptance is subject to any exceptions, those exceptions must be identified here. Exceptions cannot contradict the requirements of the RFR, or required Commonwealth standard forms and attachments for the bid. For instance, an RFR may specify that exceptions may or will result in disqualification of your bid.
17. Click the Summary tab. Review the information and update/correct, as needed. If the information is correct, click the **Submit Quote** button at the bottom of the page.

18. A popup window displays asking for verification that you wish to submit your quote. Click **OK** to submit the quote.
19. The Summary tab redisplay with an updated Status for the quote of **Submitted**.
20. Your quote submission is confirmed only when you receive a confirmation email from COMMBUYS. If you have submitted a quote and have not received an email confirmation, please contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us.

If you wish to revise or delete a quote after submission, you may do so in COMMBUYS: (1) for a formal bid, prior to the bid opening date, or (2) for an informal bid (which may be viewed upon receipt), prior to the opening of your quote by the issuing entity or the bid opening date, whichever is earlier.

Bidders may not submit Multiple Quotes in response to a Bid unless the Bid authorizes Multiple Quote submissions. If you submit multiple quotes in response to a bid that does not allow multiple quotes, only the latest submission prior to the bid opening date will be evaluated.

11 APPENDIX E – GLOSSARY

Agency – See Department

Bid – While a bid may generally refer to an offer or response submitted in response to a Solicitation or Request for Response (RFR), in COMMBUYS, a “bid” refers to the solicitation, RFR or procurement.

Bidder * - An individual or organization proposing to enter into a Contract to provide a Commodity or Service, or both, to or for a Department or the State.

Commonwealth Contract Manager – See Strategic Sourcing Services Lead

Contract * - A legally enforceable agreement between a Contractor and a Department. ANF, OSD and CTR shall jointly issue Commonwealth Terms and Conditions, a Standard Contract Form and other forms or documentation that Departments shall use to document the Procurement of Commodities or Services, or both. COMMBUYS refers to Contract records as “Purchase Orders” or “Blanket Purchase Orders.”

Contractor * - An individual or organization which enters into a Contract with a Department or the State to provide Commodities or Services, or both.

Contractor Contract Manager – The individual designated by the Contractor to interface with the Commonwealth.

Department - For the purposes of this Solicitation, the terms “Department,” “Eligible Entity,” “Agency,” “Commonwealth Agency,” and “Contracting Department” include all entities listed in the Eligible Entities section of this RFR. COMMBUYS refers to such entities as “Organizations.”

Eligible Entity – See Department

Environmentally Preferable Product (EPP) - A product or service that has a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimize waste, conserve energy or water, and reduce the amount of toxic materials either disposed of or consumed.

Evaluation – The process, conducted by the Strategic Sourcing Team, of reviewing, scoring and ranking the submitted Quotes related to this Bid.

FY – See Fiscal Year

Fiscal Year - The year beginning with July first and ending with the following June thirtieth as defined in M.G.L. Chapter 4, Section 7. This may also be referred to as the “State Fiscal Year.”

Organization – See Department

Procurement Team Leader (PTL) – See Strategic Sourcing Services Lead

PTL – See Procurement Team Leader

Purchasing Entity – Same as “Eligible Entity.”

Quote or Response - generally refers to the offer submitted in response to a Bid or Request for Response (RFR).

Request for Response (RFR) * – The mechanism used to communicate Procurement specifications and to request Quotes from potential Bidders. An RFR may also be referred to as a “Bid” or “Solicitation.”

Response – The Bidder’s complete submission (or “Quote” as referenced in COMMBUYS) in response to a Solicitation, in other words, a “Bid” or “Proposal.”

Solicitation – See Request for Response (RFR)

SST – See Strategic Sourcing Team

SSSL – See Strategic Sourcing Services Lead

Strategic Sourcing Team (SST) – Representatives from various eligible entities and interested stakeholders that design procurements, develop specifications, conduct Solicitations, evaluate responses to Bids and award Statewide or Department Contracts. The SST also monitors Contractor performance through performance measures and the level of customer satisfaction throughout the life of the Contract. In some agencies, SSTs are referred to as “Procurement Management Teams (PMT).”

Strategic Sourcing Services Lead (SSSL) – Individual designated by the procuring Department to lead the Strategic Sourcing Team and the solicitation and resulting contract. In some agencies SSSLs are referred to as “Procurement Team Leads (PTL).” COMMBUYS Refers to the SSSL in the Header Information section of a Bid as the “Purchaser.”